IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: CHOCOLATE : MDL DOCKET NO. 1935

CONFECTIONARY ANTITRUST : (Civil Action No. 1:08-MDL-1935)

LITIGATION :

: (Judge Conner)

:

THIS DOCUMENT APPLIES TO:

ALL CASES :

ORDER

AND NOW, this 20th day of January, 2009, in light of discussions held with counsel during oral argument on January 16, 2009 regarding the status of the joint proposed electronic discovery protocol¹ and the parties' proposed schedules for class certification proceedings, it is hereby ORDERED that:

- 1. The parties shall file a final joint proposed electronic discovery protocol on or before January 26, 2009. If the parties are unable to agree on all material terms of the protocol, they shall apprise the court of the disputed issues and describe each party's position with respect to the same.
- 2. On or before January 23, 2009, counsel for defendants and lead counsel for the plaintiffs shall each submit a letter memorandum describing the rationales for the time periods requested for class certification proceedings. The memoranda shall not exceed three pages in length and shall be submitted via facsimile at (717) 221-3949.

S/ Christopher C. Conner CHRISTOPHER C. CONNER United States District Judge

¹The parties informed the court that the electronic discovery protocol filed on January 14, 2009 (Docs. 567, 568) is a draft protocol and that the parties continue to negotiate certain terms of the agreement.